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December 8, 1998

EX PARTE

Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street NW
Washington, D.C. 20554

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DEC - 8 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM 92-57; ET Docket No. 98-206

Dear Ms. Salas:

On December 8, 1998, Mike Katzenstein of OpTel, Inc., Bill Burhop of the Independent Cable & Telecommunications Association, and Henry Goldberg met with Regina Keeney, Rebecca Arbogast, and Tom Tycz of the International Bureau regarding the above-referenced proceedings. The substance of the issues discussed is summarized in the attached outline.

Sincerely,



W. Kenneth Ferree
Attorney for OpTel, Inc.

encl.

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OpTel's 12 GHz Petition

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Issue — OpTel filed a petition for rulemaking requesting that the Commission allow private microwave licensees to use frequencies in the 12 GHz band (12.7 GHz to 13.25 GHz) for the delivery of video programming material.

OpTel's Interest — OpTel uses 18 GHz (18.142-18.580 MHz) microwave distribution networks to provide cable and telecommunications service to over 300,000 homes in nine major U.S. cities.

Need For Rule Changes — 1) The 18 GHz band suffers from technical limitations and 2) the Commission has proposed making terrestrial users of the 18 GHz band secondary to blanket-licensed satellite operations.

Technical Basis — The proposed use is consistent with the current channelization plan at 12 GHz and equipment is available for operation in this band.

Need For Immediate Relief — As proposed, all 18 GHz terrestrial system applications filed after September 18, 1998, will be for secondary authority. This proposal has left private cable operators with no spectrum options and is slowing competitive expansion. Private cable, therefore, has an urgent need for waivers/STAs for immediate access to the 12 GHz, pending the outcome of the rulemaking.

NGSO Use Of 12 GHz — The FCC is seeking comment on proposed NGSO use of the 12 GHz band for satellite uplink operations from gateway earth stations. The FCC believes that this use will not interfere with terrestrial operations.

OpTel's 11 GHz Waiver Request

Proposed Use — OpTel operates "hub-and-spoke" networks. Cable head-end and telephone switching facilities are located at a "hub" and 18 GHz microwave "spokes" are used to deliver services to MDUs. OpTel requires an efficient means for "hub-to-hub" communications. The 11 GHz band is the only microwave band that has the operational and technical characteristics necessary for OpTel's hub-to-hub links.

Chronology:

March 1996 — OpTel seeks clarification as to whether a restriction on carriage of video entertainment material in the 11 GHz band is intended.

April 23, 1997 — At the request of the Private Wireless Division, OpTel withdraws its March 1996, letter and substitutes a petition for waiver of Section 101.603.

June 6, 1997 — OpTel responds to an inquiry from the Private Wireless Division and provides additional information requested by the staff.

October 27, 1998 — OpTel responds to a similar staff inquiry and provides additional information.

FEDERAL COMMUNICATIONS COMMISSION
DOCUMENT INDEX TERMS

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Approved by OMB
3060-0486
Expires 10/31/94

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5. Law Firm Name (25) Goldberg, Godles, Wiener & Wright
6. Attorney/Author Name (last, first, mi) (25) Ferree, W. Kenneth
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